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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Attention: Primary Examiner Nasser Ahmad
Group Art Unit 1772**

Serial No: 10/776,863	This is to certify that this document has been transmitted by U.S. MAIL, First Class addressed to the U.S. Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on <u>15 MAR 2006</u> <i>Susan Vanderwalker</i> Susan Vanderwalker
Filing Date: 11 FEB 2004	
Inventors: Natalino Zanchetta Shaik Mohseen	
Title: Self-Adhering Modified Bitumen Underlayment for Tile Roofs	

**RESPONSE TO OFFICE COMMUNICATION
AND TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE-PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Commissioner:

In response to the *Office Communication* indicated as having been mailed on March 2, 2006, Applicant files herewith a *Terminal Disclaimer to Obviate a Double-Patenting Rejection*, with respect to U.S. Patent No. 6,696,125.

Applicant is a Small Entity. You are hereby authorized to deduct the \$65.00 fee under 37 CFR 1.20(d)) for the *Terminal Disclaimer* from our Deposit Account No. 02-0400 (Baker & McKenzie), and to include any other fees which may be due at this time. When identifying such a withdrawal, please use the Attorney Docket Number POLY-102-CIP-1.

March 15, 2006

BAKER & McKENZIE
130 E. Randolph Drive
Chicago, IL 60601
ph: 312-861-8608
fax: 312-698-2363

Respectfully,

David I. Roche
David I. Roche
Reg. No. 30,797

Serial No: 10/776,863
Atty. Docket No.: POLY-102-CIP-1-US



PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
POLY-102-CIP-1

In re Application of: Natalino ZANCHETTA and Shaik MOHSEEN

Application No.: 10/776,863

Filed: 11 FEB 2004

For: Self-Adhering Modified Bitumen Underlayment for Tile Roofs

The owner*, POLYGLASS USA, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,696,125 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 30,797

Signature

15 MARCH 2006

Date

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David I. ROCHE

Typed or printed name

312-861-8608
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

Deposit Account 02-0400

See Response to Office Communication filed herein.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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